

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 15 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SACRAMENTO HOMELESS UNION, a
local of the California Homeless
Union/Statewide Organizing Council;
BETTY RIOS; DONTA WILLIAMS;
FALISHA SCOTT,

Plaintiffs-Appellees,

v.

CITY OF SACRAMENTO,

Defendant-Appellant,

and

COUNTY OF SACRAMENTO,

Defendant.

No. 23-16123

D.C. No.

2:22-cv-01095-TLN-KJN

Eastern District of California,
Sacramento

ORDER

Before: McKEOWN and CHRISTEN, Circuit Judges, and EZRA,* District Judge.

Because the preliminary injunction order of August 16, 2023, has expired, this appeal is dismissed as moot. *See Ahlman v. Barnes*, 20 F.4th 489, 493 (9th Cir. 2021). In light of the posture of the case below and the changing factual circumstances that may significantly impact the likelihood and scope of any future injunction, this appeal does not meet the standards for an exception to mootness.

* The Honorable David A. Ezra, United States District Judge for the District of Hawaii, sitting by designation.

Id. at 494–95. The motion for judicial notice, Dkt. No. 8, is also dismissed as moot. The court encourages the parties to pursue mediation.